

**Appl. No.** : 10/035,389  
**Filed** : December 28, 2001

### **REMARKS**

By way of summary, Applicant notes that claims 42-44 and 47-49 are currently pending. None of the pending claims has been amended in this response. In view of the following remarks, Applicant believes that all of the Examiner's grounds for rejection have now been addressed. Accordingly, Applicant respectfully requests that the Examiner pass the remaining pending claims to allowance.

#### **Rejection of Claims 42-44, 48 and 49 under 35 U.S.C. §102(e)**

The Examiner rejects claims 42-44, 48 and 49 under 35 U.S.C. §102(e) as being clearly anticipated by U.S. Patent No. 6,485,500 to Kokish et al.

Applicant notes that the present application claims priority to U.S. Application Serial No. 09/270,150, which was filed on March 16, 1999. Applicant further notes that the claimed subject matter of claims 42-44, 48 and 49 is fully supported by U.S. Application Serial No. 09/270,150. For example, Figure 12 of the present application, which illustrates a preferred embodiment of the claimed invention, is identical to Figure 27 of U.S. Application Serial No. 09/270,150.

Kokish et al. was filed after U.S. Application Serial No. 09/270,150 on March 21, 2000 and does not claim priority to any earlier filed applications. Therefore, Kokish et al. is not prior art with respect to the claimed subject matter of the present application. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections of claims 42-44, 48 and 49 based on Kokish et al. under 35 U.S.C. §102(e).

#### **Rejection of Claim 47 under 35 U.S.C. §103(a)**

The Examiner rejects claim 47 under 35 U.S.C. §103(a) as being unpatentable over Kokish et al. in view of U.S. Patent No. 5,810,767 to Klein. For the same reasons discussed above, Kokish et al. is not prior art and therefore cannot be properly combined with Klein to support a rejection under 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 47 under 35 U.S.C. §103(a) based on Kokish et al. in view of Klein.

Appl. No. : 10/035,389  
Filed : December 28, 2001

### CONCLUSION

In view of Applicant's amendments and remarks, Applicant earnestly believes that each of the pending claims is now in condition for allowance. Should the Examiner have any remaining concerns, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 17, 2004

By: 

David L. Hauser  
Registration No. 42,463  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

AMEND

H:\DOCS\DLH\PERCUSURGE\113\113A\_OA3.DOC  
102104